IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1995 OF 2006

P.A. Inamdar & Ors. .. Petitioner

Vs.

The State of Maharashtra and Ors. .. Respondents

Mr. Girish Kulkarni with Mr. Ramchandra Jadhav for Petitioner.

Mr. H.D. Naik, A.G.P. for R. No. 1.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: AUGUST 28, 2006

P.C.:

. It is the case of the Petitioner that the judgement in Gramvikas Vs. State of Maharashtra and Others 2001 (1) Mh.L.J. 776 would not be applicable to them. Our attention is invited to Direction (2) of Paragraph 7 of that judgment as to what is to be contained in the master plan and which reads as under :

> "(2) The Master Plan will be for Marathi Medium schools only. Schools established by religious or linguistic minorities are required to be started according to necessity and, therefore, these schools will not be required to abide by the Master Plan. However, such schools will not be allowed to change their medium of instruction already

> granted without the permission of the Government. The grant of permission to establish schools by religious and linguistic minorities will be in accordance with their rights under Article 30 of the Constitution. "

. Therefore, minority schools are not covered by the master plan. It is submitted on behalf of the Petitioners that Respondent No. 2 is a minority institute and as such they were allowed to open class 11, from the academic year 2005-06 on permanent unaided basis by order dated 16.5.2006. It is further submitted that their name also appears amongst 1495 schools as set out in the order of this court in the order dated 7.7.2006 in Writ Petition No. 2896 of 2006. The learned Division Bench has been pleased to set aside the permission granted to all the 1495 primary, secondary and higher secondary schools. Perhaps its attention was not invited to a fact that the list contains names of minority schools also. It will however, not be possible for us to exercise our extra ordinary jurisdiction considering the judgmnet of a Coordinate Bench of this Court even if the Petitioenrs were not parties to the petition. The appropriate remedy for the Petitioner will be to move the learned Division

Bench at Nagpur for review of the order dated 7.7.2006 or any other relief that they are entitled to.

. To enable the Petitioners to move the learned Division Bench, the respondents are directed for a period of 30 days from today, not to take any action against the Management of the Petitioner.

. With the above observations, Petition stands disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**